

Juvenile Policy Board  
Minutes  
(Unofficial Until Approved)  
November 18, 2016

Members Present

Justice Lisa Fair McEvers, Chair  
Judge John Grinsteiner  
Judge Daniel Narum, via phone  
Scott Hopwood, Unit 4 Juvenile Court Director

Members Absent

Judge Steven McCullough  
Judge David Reich  
Brad Saville, Juvenile Court Officers Association  
Wayne Goter, Unit 3 Judicial Referee

Staff Present

Sally Holewa, State Court Administrator  
Cathy Ferderer, Office of the State Court Administrator  
Lana Zimmerman, scribe

Guests

Shawn Peterson, Unit 1 Juvenile Court Director  
Karen Kringlie, Unit 2 Juvenile Court Director  
Cory Pedersen, Unit 3 Juvenile Court Director  
Heather Traynor, Court Improvement Project (CIP) Research Analyst

Justice McEvers welcomed the members of the Board. Due to a lack of a quorum, the September 23, 2016, meeting minutes will be added to the February 10, 2017, meeting agenda for approval.

RFK National Resource Meeting

Justice McEvers updated the Board on the presentation by Robert F. Kennedy National Resource Center for Juvenile Justice, to representatives from the Department of Corrections, representatives from the Department of Human Services, and representatives from the North Dakota Court System. RFK is proposing further work regarding dual status youth.

Heather Traynor has reviewed data from the Case Management System program and Children and Family Services. To date, 20% of the youth statewide are dually involved. The current juvenile caseload will be reviewed to recognize any youth that is considered as dually involved. All compiled data will be discussed with the State Advisory Group committee on November 30, 2016.

Discussion ensued regarding which entity may take the lead on the RFK proposal, considering the current budget restraints that would make it difficult for staff from the court system to take the lead.

Sally Holewa said the dual status youth initiative would be reviewed as part of the concurrent resolution before the Legislative Assembly to study juvenile services in the state. If none of the collaborating juvenile services entities offer to take the lead, the legislature may make suggestions for who will proceed with leading the request. Court Improvement Project funding is available, if needed, but must be encumbered by September and liquidated by December.

### Juvenile Director's Report

Definition of Recidivism/CMS - Karen Kringlie reported at the September Juvenile Policy Board meeting the definition of recidivism was adopted as “youth under community supervision both formal and informal for a delinquent offense who re-offend within three years of supervision closure or termination, would be considered recidivist.” There are three different points in time; year one, year two, and year three, measuring from the actual closure date of probation.

Since the September Juvenile Policy Board meeting, with the technical assistance of the Counsel of State Governments and our Information Technology personnel, Karen Kringlie has prepared a document for the CMS vendor, which defines the data points and values that are needed. Case numbers were given for those types of categories, so a report is being developed to see if it meets the needs.

Georgetown Training - Two teams from Fargo and Bismarck attended the Racial and Ethnic Disparity Certification Program the week of October 24, 2016, in Georgetown. A draft summary of the projects in both communities are complete.

The Bismarck team consists of the Superintendent of Bismarck Public Schools, a representative of the Bismarck Police Department, a trauma expert and youth culture team member, the program coordinator from Youthworks, and Cory Pedersen. The main area of focus is family engagement and family working with school officials and law enforcement on the family needs that are not being met. In Bismarck, the biggest disparity is at the point of arrest. The issue is youth being cited in the school system. A screening tool and matrix is being developed for schools to address behaviors differently.

The report is due with all data points by December 16, 2016. After approval, the project will commence over the next year.

The Fargo team consists of staff from the Cass County Prosecutor's office, a representative of the Fargo Police Department, Fargo public schools, Lutheran Social Services, Youthworks, and Karen Kringlie. The main area of focus is the point of arrest and the point of detention. The disparity is primarily with African American youth, but also with Native American and Hispanic youth.

The Fargo team will focus on retail theft and school-based offenses, disorderly conduct, and willful disturbance. A detention screening tool is being developed for patrol officers to use at the point of arrest.

#### Age of Juvenile Court Jurisdiction

Cathy Ferderer presented a handout that compiled data for the age of Juvenile Court Jurisdiction. There were 164 youth, ages ten and under that were in the juvenile court system. The two highest offenses were disorderly conduct and simple assault. Juvenile Court diverts many of them so there isn't any formal proceedings. Eleven states set a minimum age of ten; three states set a minimum age of eight; and five states set a minimum age of seven. Most states are raising the age due to the data regarding brain development and children understanding the process. During the Council of State Governments visit, the minimum age of ten was suggested.

After an extensive discussion on the age of juvenile court jurisdiction, Justice McEvers suggested the issue of the appropriate age of children being prosecuted should be included in the concurrent resolution to study juvenile services in North Dakota.

This topic will be added and discussed at Judicial Conference in November.

#### Court Improvement Project Update

Heather Traynor reported that, due to budget cuts, the Court Improvement Project Committee program will be ending as of June 30, 2017.

Stakeholders have inquired as to collaborating with the courts once the program has ended. The Juvenile Policy Board will supplement the Court Improvement Project Committee for communication and collaboration purposes.

ICWA hard cards are updated with the new rule implemented as of December 12, 2016. They will be replaced at Judicial Conference along with a bench guide for the District Court Judges to utilize in the courtroom.

#### Human Trafficking Tool

A discussion of the human trafficking tool was discussed at the Juvenile Directors meeting. The tool was developed to identify victims of human trafficking. Once an individual is identified as a victim of human trafficking, the next step in the current practice is to notify the navigator at Youthworks.

Karen Kringlie asked if releases should be completed by each district or statewide? The Presiding Judge could complete an administrative order to allow a release of suspected or identified victims of human trafficking to the designated navigator in the region. If there is an open child protective service investigation, Social Services can inform the navigator. The victim's name wouldn't be released without the signed release of information or a court order.

Justice McEvers has contacted Lonny Grabowska with the Attorney General's Human Trafficking Commission. He forwarded the question to Christina Sambor, an attorney for ND FUSE who serves on the Commission. There are regions looking into the Presiding Judge grading such an authorization. There are cases where a screening tool would reveal enough information to believe the youth was the subject of abuse and neglect, which would lead to filing a 960 report of suspected child abuse or neglect with Social Services. Social Services would then initiate the contact with the navigator.

It was suggested to amend the statute to allow for a report to the navigator, and a report would then go to child protection services.

Justice McEvers suggested, if using the tool begins in January, something should be provided until the legislative change is made.

Sally Holewa suggested to have Mike Hagburg write a generic form to be used.

#### For The Good of the Order

The Board discussed Marcy's Law, which became part of the North Dakota Constitution as of December 8, 2016.

Cory Pedersen said there is currently a victim rights brochure created that is handed out along with a victim impact statement. The victim is identified right at intake.

After a brief discussion, the meeting adjourned at 2:30 pm.